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NOTICE OF ALLOWANCE AND FEE(S) DUE

22852

7590

02/09/2009

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

WINTER, JOHN M

ART UNIT

PAPER NUMBER

3685

DATE MAILED: 02/09/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/351,399	07/13/1999	AKIRA OGINO	09812.0492-00000	9658

TITLE OF INVENTION: INFORMATION-SIGNAL PLAYBACK SYSTEM, INFORMATION-SIGNAL READING APPARATUS,
INFORMATION-SIGNAL PROCESSING APPARATUS, INFORMATION-SIGNAL PLAYBACK METHOD, INFORMATION-SIGNAL READING
METHOD AND INFORMATION-SIGNAL PROCESSING APPARATUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	05/11/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless directed below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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22852 7590 02/09/2009

**FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
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901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413**

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Hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/351,399 07/13/1999 AKIRA OGINO 09812.0492-00000 9658

TITLE OF INVENTION: INFORMATION-SIGNAL PLAYBACK SYSTEM, INFORMATION-SIGNAL READING APPARATUS, INFORMATION-SIGNAL PROCESSING APPARATUS, INFORMATION-SIGNAL PLAYBACK METHOD, INFORMATION-SIGNAL READING METHOD AND INFORMATION-SIGNAL PROCESSING APPARATUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	05/11/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
WINTER, JOHN M	3685	705-057000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/AI/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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22852	7590	02/09/2009	EXAMINER	
WINTER, JOHN M				
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			ART UNIT	PAPER NUMBER
			3685	

DATE MAILED: 02/09/2009

Determination of Patent Term Extension under 35 U.S.C. 154 (b)

(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/351,399

Applicant(s)

OGINO ET AL.

Examiner

JOHN M. WINTER

Art Unit

3685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the paper filed on december 17, 2008.
2. ☒ The allowed claim(s) is/are 1,3-5,13,15,44,46 and 63-68.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-613),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Hill on January 22, 2009.

The application has been amended as follows

1. (Currently Amended) An information-signal playback system comprising an information-signal reading apparatus and an information-signal processing apparatus;[[,]] the information-signal reading apparatus comprising: readout means for reading out media type information from a recording medium and an encrypted video signal comprising copy control information, the media type information indicating a type for the recording medium; encryption means for encrypting the media type information to create encrypted media type information; and output means for supplying, to the information-signal processing apparatus, the encrypted media type information, the media type information, and the encrypted video a-main-information signal which includes copy control information; and the information-signal processing apparatus comprising: decryption means for decrypting the encrypted media type information and the encrypted video signal received from the information-signal reading apparatus; determining means for determining the copy control information from the decrypted video signal;comparing means for comparing the decrypted media

type information with the media type information, and determining whether the media type information has been altered ~~to judge if an attempt to alter the media type information has been performed~~; and control means for controlling output of the video main information signal based ~~on the basis of~~ the media type information, the decrypted media type information, the determination judgment ~~of whether an attempt to alter the media type information has been altered performed~~, and the copy control information.

2. (Canceled)

3. (Currently Amended) An information-signal playback system according to claim 1 wherein the encryption means ~~employed in the information-signal reading apparatus~~ encrypts the media type information in accordance with a CSS system.

4. (Currently Amended) An information-signal playback system according to claim 1 wherein:

information indicating never-copy or one-copy control implementation for controlling a copy operation has been added to the video main information signal recorded on the recording medium;

the information-signal processing apparatus includes a detecting means for detecting the information indicating never-copy or one-copy control implementation added to the video main information signal received from the information-signal reading apparatus; and

Art Unit: 3685

the control means controls the predetermined processing carried out on the video main-information signal based at least in part on ~~by taking~~ the information indicating never-copy or one-copy control implementation detected by the ~~information-signal~~ detecting means ~~into consideration~~.

5. (Currently Amended) An information-signal playback system according to claim 4 wherein:

the information indicating never-copy or one-copy control implementation is superposed on the video main-information signal; and

~~the information indicating never-copy or one-copy control~~ detecting means ~~employed in the information-signal processing apparatus~~ detects the superposed information on the video main-information signal.

6-12. (Canceled)

13. (Currently Amended) An information-signal reading apparatus comprising:

readout means for reading out media type information from a recording medium and an encrypted video signal comprising copy control information, the media type information indicating a type for the recording medium;

encryption means for encrypting the media type information to create encrypted media type information; and

Art Unit: 3685

output means for supplying, to an information-signal processing apparatus, the encrypted media type information, the media type information, and the encrypted video
~~a main information signal which includes copy control information;~~

wherein the information-signal processing apparatus comprises:

decryption means for decrypting the encrypted media type information
and the encrypted video signal received from the information-signal reading apparatus;

determining means for determining the copy control information from
the decrypted video signal;

[[a]] comparing means for decrypting the encrypted media type
~~information and~~ comparing the decrypted media type information with the media type
information, and determining whether the media type information has been altered; and
~~to judge if an attempt to alter the media type information has been performed~~

control means for controlling output of the video signal based on the
media type information, the decrypted media type information, the determination of
whether the media type information has been altered, and the copy control information.

14. (Canceled)

15. (Currently Amended) An information-signal reading apparatus according to
claim 13 wherein the encryption means ~~employed in the information-signal reading~~
~~apparatus~~ encrypts the media type information an copyright protection in accordance
with a CSS system.

16-43. (Canceled)

Art Unit: 3685

44. (Currently Amended) An information-signal reading method comprising:

~~reading out~~ supplying media type information ~~from indicating a type for~~ a recording medium, ~~encrypted media type information created by encrypting the media type information,~~ and a main information signal which includes an encrypted video signal comprising copy control information, the media type information indicating a type for the recording medium; and

encrypting the media type information to create encrypted media type information;

supplying, to an information-signal processing apparatus, the encrypted media type information, the media type information, and the encrypted video signal, wherein the information-signal processing apparatus performs the steps of:

decrypting and comparing the encrypted media type information and the encrypted video signal;

determining the copy control information from the decrypted video signal;

comparing the decrypted media type information with the media type information to determine whether judge if an attempt to alter the media type information has been altered; and performed.

controlling output of the video signal based on the media type information, the decrypted media type information, the determination of whether the media type information has been altered, and the copy control information.

45. (Canceled)

46. (Currently Amended) An information-signal reading method according to claim 44 wherein ~~further including the step of encrypting~~ the media type information is encrypted in accordance with a CSS system.

47-62. (Canceled)

63. (Currently Amended) The information-signal playback system according to claim 1, wherein the control means outputs the video ~~main information~~ signal if the media type information indicates the recording medium is read-only and the copy control information indicates never copy.

64. (Currently Amended) The information-signal playback system according to claim 1, wherein the control means outputs the video ~~main information~~ signal if the media type information indicates the recording medium is read-only and the copy control information indicates one copy.

65. (Currently Amended) The information-signal playback system according to claim 1, wherein the control means does not output the video ~~main information~~ signal if the media type information indicates the recording medium is read-only and the copy control information indicates no more copies.

66. (Currently Amended) The information-signal playback system according to claim 1, wherein the control means does not output the video ~~main information~~ signal if the media type information indicates the recording medium is rewritable and the copy control information indicates never copy.

67. (Currently Amended) The information-signal playback system according to claim 1, wherein the control means does not output the video ~~main information~~ signal if

Art Unit: 3685

the media type information indicates the recording medium is rewritable and the copy control information indicates one copy.

68. (Currently Amended) The information-signal playback system according to claim 1, wherein the control means outputs the video ~~main information~~ signal if the media type information indicates the recording medium is rewritable and the copy control information indicates no more copies.

Allowable Subject Matter

Claims 1, 3-5, 13, 15, 44, 46 and 63-68 are allowed over the prior art record.

The following is an examiner's statement of reasons for allowance:

The closest prior art of record

Schneck et al. (US Patent 6,314,409) teaches A method and device are provided for controlling access to data. Portions of the data are protected and rules concerning access rights to the data are determined.

What they fail to teach or suggest:

None of the art of record, taken individually or combination disclose at least the steps/components of “determining means for determining the copy control information from the decrypted video signal;comparing means for comparing the decrypted media type information with the media type information, and determining whether the media type information has been altered, and control means for controlling output of the video signal based on the media type information, the decrypted media type information, the

Art Unit: 3685

determination of whether the media type information has been altered, and the copy control information.

These distinct features render claims 1 allowable.

Claims 3-5, 13, 15, 44, 46 and 63-68 are either dependant upon claim 1 or contain similar limitations and are allowable for at least the same reasons.

Even if the features missing from the above cited prior art were found in a reasonable number of references a person of ordinary skill in the art at the time of the invention would not have been motivated to combine these reference because the claimed feature of "determining whether the media type information has been altered" is not a feature normally associated with digital media playback and therefore would have to be disclosed by art unrelated to digital media playback.

Examiner notes that the Applicant disclosure the implementation of the invention comprising "software functions written in a PC card which is used by mounting the card onto a PC computer " is not objected to under 35 USC 101.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. WINTER whose telephone number is (571)272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3685

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMW

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685